

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

CIVIL ACTION NO. 04-11934-GAO

NOAH GREENBERG)
Plaintiff)
)
v.)
)
TOWN OF FALMOUTH,)
AND GANNETT)
FLEMING, INC.,)
Defendants)

**DEFENDANT GANNETT FLEMING'S UNOPPOSED MOTION TO
EXTEND THE TIME WITHIN WHICH TO OPPOSE
PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

Now comes defendant Gannett Fleming, Inc. ("Gannett"), through its counsel of record, and hereby moves to extend the time within which Gannett can respond to the Motion for a Preliminary Injunction, recently served by plaintiff Noah Greenberg ("plaintiff"). As set forth in the accompanying Certification/Affidavit by counsel for Gannett, neither counsel for plaintiff nor counsel for co-defendant the Town of Falmouth, objects to the requested extension. Gannett requests an extension of time within which to respond to plaintiff's Motion for Preliminary Injunction until Wednesday, August 10, 2005 (a week after the Opposition would have otherwise been due). As grounds for Gannett's request for an extension, Gannett states that it has not yet received written discovery responses from plaintiff; that plaintiff's motion is an important motion, the outcome of which could (if granted) halt a significant public construction project; that no party will be unfairly prejudiced by the requested short extension of time; and that the court approved discovery cut-off date for factual discovery is 11/30/05. For the

foregoing reasons, Gannett requests an extension of time to answer plaintiff's Motion for Preliminary Injunction until August 10, 2005.

The Defendant,
GANNETT FLEMING, INC.

By its attorneys,

Dated: 7/27/05



Paul Michienzie, Esq. – BBO #548701
John C. Barker, Esq. – BBO #637406
Michienzie & Sawin LLC
745 Boylston Street, 5th Floor
Boston, MA 02116-2636
Tel. 617-227-5660

CERTIFICATE OF SERVICE

I, John C. Barker, attorney for Defendant, hereby certify that I have on this 27th day of July 2005, served the foregoing Unopposed Motion, by mailing a copy of same, postage prepaid, to:

Richard Russell, Esq.
The Law Office of Richard M. Russell, P.C.
205 Worcester Court, Unit B 2
Falmouth, MA 02540

Daniel Skrip, Esq.
Pierce, Davis & Perritano, LLP
Ten Winthrop Square
Boston 02110-1257


John C. Barker